

## **REMARKS**

Reconsideration of the subject application in view of the present amendment is respectfully requested.

By the present amendment, Claims 1-3, 34-46, and 49-50 have been cancelled. Claims 64-66 have been added. Claims 47 has been amended to provide its proper dependency. Claims 51-58, 60 and 62 have been amended to make them consistent with the claim they depend on.

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance, and action to that end is respectfully requested.

Claims 64-65 correspond in scope to claims to 46 and 49 which together with claims 47-48, were indicated as being allowable upon having been rewritten in independent form. Accordingly, claims 64-65, which are claims 46 and 49 so rewritten, and claims 47-48, now dependent on claim 64, are in condition for allowance.

It is respectfully submitted that claims 51-63 and 66 are also allowable. Specifically, claims 51 and 66 recite, in apparatus and method form, metering and tempering a sample in a pipette tip or syringe by resistance heating. This is not disclosed in the prior art, including all of the prior art or record in this application.

Claims 52-63 depend on claim 51 and are submitted to be also allowable.

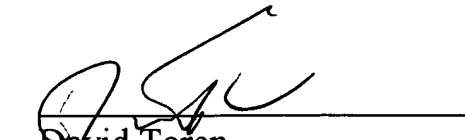
### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects, in order to place in case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed issue. Alternatively, should the

Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

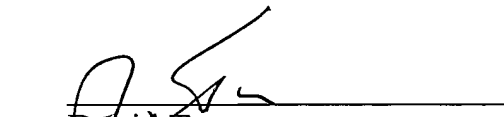
Respectfully Submitted



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Dated: August 30, 2004  
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I hereby certify that this correspondence is being deposited with the United State Postal Service with sufficient postage as first class mail and addressed to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450 on August 30, 2004.



David Toren